

DATE FILED: 5/7/08

MAY 7 2008  
U.S. DISTRICT JUDGE  
S.D.N.Y.

## NEW YORK UNIVERSITY SCHOOL OF MEDICINE

Ramesh P. Babu, M.D.  
Assistant Professor of Clinical NeurosurgeryDepartment of Neurosurgery  
530 First Avenue, Suite 7W  
New York, NY 10016-6497  
Telephone: (212) 263-7481  
Facsimile: (212) 263-6188

May 6, 2008

United States District Court  
Hon. Harold Baer, Jr.  
500 Pearl Street  
New York, NY 10007

Honorable Harold Baer Jr.,

Re: Adonna Frometa v. All American Haulers Recycling

I am a neurosurgeon at the NYU Medical Center and I performed a surgical procedure on Ms. Adonna Frometa. On May 5<sup>th</sup> 2008 as well as on May 6<sup>th</sup> 2008 my office has corresponded with Mr. John Hsu (from the Law firm representing the All American Haulers Recycling) expressing my inability to give the deposition on May 7<sup>th</sup>, 2008 due to earlier surgery schedule. He agreed to have a different date for my deposition before trial. I just received a letter at 2:30 pm on May 6<sup>th</sup>, 2008 asking me to come tomorrow May 7<sup>th</sup>, 2008 at 10:00 am for deposition. I have already scheduled surgery at NYU Medical Center and I will not be able to attend that deposition.

Since he promised that there will be alternate date, I have scheduled surgery tomorrow and other days as well. I have told him I will do that on May 23<sup>rd</sup>, 2008. We have given him earliest available date for which he is not agreeable. At this time I am requesting you to intervene and allow my deposition to go forward on May 23<sup>rd</sup>, 2008, earlier if I get an opportunity to accommodate Mr. Hsu's request.

I am also enclosing the letter received from Mr. Hsu from Wilson, Elser, Moskowitz, Edelman & Dicker LLP.

Thank you for understanding and accommodating my patient's needs

Very truly yours,

Ramesh Babu M.D.  
CC: John Hsu  
Slawek Platta



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A private university in the public service

*Sadly I doubt this will work since the next work day is the first day of trial. Find a time between 5/16/08 or a subpoena with which you were served was he the deposition. For a contempt of court you should not be allowed to take him to the deposition. Further information is needed.*

Date: 5/7/08  
Harold Baer, Jr., U.S.D.J.  
8002.90 6EW

Endorsement:

Sadly I doubt this will work since the next weekday is the first day of trial. Find a time between 5/12 and 5/16/08 or a subpoena with which you were served may be the foundation for a contempt and alternatively the U.S. Marshal at my behest will bring you to the deposition. You are welcome to call me today for a further explanation if needed.